

**TWENTY-FIFTH LEGISLATIVE DAY  
WEDNESDAY, FEBRUARY 3, 2005**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Al Noyes, Assistant Sergeant at Arms.

The Pledge of Allegiance was led by Jennifer Stemple, Page.

**Approval of Journal**

February 3, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-fourth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

February 2, 2005

Mr. Speaker:

I transmit herewith enrolled **S 1027** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1027** and, when so signed, ordered it returned to the Senate.

February 2, 2005

Mr. Speaker:

I return herewith enrolled **H 6, H 7, and H 8** which have been signed by the President.

WOOD, Secretary

Enrolled **H 6, H 7, and H 8** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

**Report of Standing Committees**

February 3, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 6, H 88, H 89, H 90, H 91, H 92, H 93, H 94, H 95, H 96, H 97, H 98, H 99, and H 100.**

FIELD(18), Chairman

**H 88, H 89, and H 90** were referred to the Business

Committee.

**H 91 and H 92** were referred to the Resources and Conservation Committee.

**H 93, H 94, H 95, H 96, and H 97** were referred to the Judiciary, Rules, and Administration Committee.

**H 98** was referred to the Education Committee.

**H 99 and H 100** were referred to the Revenue and Taxation Committee.

**HCR 6** was filed for second reading.

February 3, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 4 and H 9.**  
FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 4 and H 9**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 3, 2005

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 22, H 24, H 46, and H 47** and recommend that they do pass.

DEAL, Chairman

**H 22, H 24, H 46, and H 47** were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 101  
BY TRANSPORTATION AND DEFENSE COMMITTEE  
AN ACT**

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATE PROGRAMS; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-402D, IDAHO CODE, TO PROHIBIT AUTHORIZATION OF ANY SPECIAL MOTOR VEHICLE LICENSE PLATE PROGRAM; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 102  
BY TRANSPORTATION AND DEFENSE COMMITTEE  
AN ACT**

RELATING TO ALL-TERRAIN VEHICLES AND MOTORCYCLES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE CODE REFERENCES; AND AMENDING SECTION 49-426, IDAHO CODE, TO AUTHORIZE THE IDAHO TRANSPORTATION BOARD TO

DESIGNATE SECTIONS OF STATE HIGHWAYS OVER WHICH ALL-TERRAIN VEHICLES AND MOTORCYCLES WHICH ARE NOT REGISTERED UNDER MOTOR VEHICLE LAW MAY CROSS.

**HOUSE BILL NO. 103**  
**BY LOCAL GOVERNMENT COMMITTEE**  
 AN ACT

RELATING TO COMMUNITY COLLEGES; AMENDING SECTION 33-2110A, IDAHO CODE, TO PROVIDE THAT A COUNTY'S LIABILITY FOR A RESIDENT OF THE COUNTY FOR OUT OF DISTRICT TUITION TO A COMMUNITY COLLEGE SHALL BE FOR THE TERM OF THE CURRICULUM FOR WHICH THE STUDENT IS ENROLLED WITH A MAXIMUM LIFETIME LIABILITY OF THREE THOUSAND DOLLARS, TO PROVIDE DATE CHANGES AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 104**  
**BY LOCAL GOVERNMENT COMMITTEE**  
 AN ACT

RELATING TO TAXING DISTRICTS AND OPERATING PROPERTY USED FOR ELECTRICAL GENERATION; AMENDING SECTION 40-1706, IDAHO CODE, TO PROVIDE A PROCEDURE FOR ADJUSTMENT OF HIGHWAY DISTRICT BOUNDARIES WHEN OPERATING PROPERTY USED TO PRODUCE ELECTRICITY UTILIZING WIND IS CONSTRUCTED WITHIN FIVE MILES OF A BOUNDARY; AMENDING SECTION 27-107, IDAHO CODE, TO ALLOW THE BOUNDARY OF A CEMETERY DISTRICT TO BE CHANGED IF DECLARED IN THE PUBLIC INTEREST BY THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 27-121, IDAHO CODE, TO PROVIDE A PROCEDURE FOR CEMETERY DISTRICT BOUNDARY ADJUSTMENTS IF CERTAIN CIRCUMSTANCES OCCUR; AMENDING SECTION 31-1404, IDAHO CODE, TO ALLOW THE BOUNDARY OF A FIRE PROTECTION DISTRICT TO BE CHANGED IF DECLARED IN THE PUBLIC INTEREST BY THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 31-1420, IDAHO CODE, TO PROVIDE A PROCEDURE FOR FIRE DISTRICT BOUNDARY ADJUSTMENTS IF CERTAIN CIRCUMSTANCES OCCUR; AND AMENDING SECTION 42-3120, IDAHO CODE, TO PROVIDE A PROCEDURE WHERE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES MAY ADJUST THE BOUNDARIES OF A FLOOD CONTROL DISTRICT IF CERTAIN CIRCUMSTANCES OCCUR AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 105**  
**BY ENVIRONMENT, ENERGY, AND TECHNOLOGY**  
**COMMITTEE**  
 AN ACT

RELATING TO HAZARDOUS WASTE MANAGEMENT; AMENDING SECTION 39-4424, IDAHO CODE, TO REVISE DISPOSAL REQUIREMENTS FOR CERTAIN MANIFESTED WASTES AND TO MAKE A GRAMMATICAL CORRECTION; AMENDING SECTION 39-4427, IDAHO

CODE, TO IMPOSE SPECIFIED FEES RELATING TO STATE MANIFESTED WASTE DISPOSED OF IN A CERTAIN MANNER; AMENDING CHAPTER 44, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4433, IDAHO CODE, TO PROVIDE FOR THE SOLID WASTE FACILITY GRANT FUND AND TO PROVIDE FOR THE DEPOSIT OF CERTAIN MONEYS AND FEES INTO THE GENERAL FUND; AND PROVIDING A SUNSET CLAUSE.

**HOUSE BILL NO. 106**  
**BY ENVIRONMENT, ENERGY, AND TECHNOLOGY**  
**COMMITTEE**  
 AN ACT

RELATING TO AN IDAHO ENERGY RESOURCES AUTHORITY; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 89, TITLE 67, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE A DECLARATION OF NECESSITY AND PURPOSE, TO DEFINE TERMS, TO CREATE THE IDAHO ENERGY RESOURCES AUTHORITY, TO PROVIDE FOR DIRECTORS OF THE AUTHORITY, TO PROVIDE TERMS OF OFFICE, APPOINTMENT AND FILLING VACANCIES AND REMOVAL, TO PROVIDE A QUORUM, MODE OF ACTION AND COMPENSATION FOR THE DIRECTORS, TO PROVIDE FOR AN ORGANIZATIONAL MEETING, OFFICERS AND APPOINTMENT OF AN EXECUTIVE DIRECTOR, TO PROVIDE FOR DELEGATION OF POWER, TO PROVIDE A SURETY BOND AND TO PROVIDE FOR A CONFLICT OF INTEREST, TO PROVIDE POWERS OF THE AUTHORITY, TO PROVIDE FOR DEVELOPMENT, ACQUISITION AND CONSTRUCTION OF FACILITIES, TO PROVIDE FOR MANAGEMENT AND OPERATION OF FACILITIES, TO PROVIDE FOR THE SALE OF ELECTRICITY, PRODUCT OR SERVICE FROM FACILITIES AND TO PROVIDE FOR CHARGES, TO PROVIDE FOR COST RECOVERY AND FOR RATE STABILIZATION CHARGES OF PARTICIPATING UTILITIES, TO PROVIDE FOR COOPERATION WITH OTHER AGENCIES AND POLITICAL SUBDIVISIONS, TO PROVIDE FOR EXEMPTION FROM INCOME TAXATION, TO PROVIDE FOR THE ISSUANCE OF BONDS TO FINANCE FACILITIES, TO PROVIDE FOR REFUNDING OF BONDS, TO PROVIDE FOR PAYMENT OF BONDS AND THE NONLIABILITY OF THE STATE OF IDAHO, TO PROVIDE FOR THE STATE OF IDAHO'S PLEDGE TO HOLDERS OF BONDS, TO PROVIDE FOR FEES, TO PROVIDE FOR EXEMPTION OF REAL PROPERTY OF THE AUTHORITY FROM LEVY AND SALE BY EXECUTION, TO PROVIDE FOR AN ANNUAL REPORT, TO PROVIDE THAT AUTHORITY OBLIGATIONS ARE LEGAL INVESTMENTS, TO PROVIDE THAT THIS ACT IS NOT A LIMITATION OF POWERS OF THE AUTHORITY AND TO PROVIDE FOR CONSTITUTIONALITY.

**HOUSE BILL NO. 107**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO THE SELECTION OF PRESIDENTIAL

ELECTORS; AMENDING SECTION 34-606, IDAHO CODE, TO PROVIDE FOR SELECTION OF PRESIDENTIAL ELECTORS; AMENDING SECTION 34-1501, IDAHO CODE, TO PROVIDE FOR CERTIFICATES OF SELECTION TO BE ISSUED AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 34-1502, IDAHO CODE; AND AMENDING CHAPTER 15, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1502, IDAHO CODE, TO ESTABLISH THE PROCEDURE FOR DESIGNATION OF PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTORS.

**HOUSE BILL NO. 108**  
**BY REVENUE AND TAXATION COMMITTEE**  
**AN ACT**

RELATING TO CIGARETTE TAXES; AMENDING SECTION 63-2502, IDAHO CODE, TO DEFINE THE PHRASE "NONPARTICIPATING MANUFACTURER"; AMENDING SECTION 63-2506, IDAHO CODE, TO IMPOSE A SUPPLEMENTAL TAX ON NONPARTICIPATING MANUFACTURER CIGARETTES AND TO STATE THE PURPOSE OF THIS SUPPLEMENTAL TAX; AMENDING SECTION 63-2507, IDAHO CODE, TO PROVIDE THE PAYMENT OF THE SUPPLEMENTAL TAX BY STAMPS; AND AMENDING SECTION 63-2510, IDAHO CODE, TO REQUIRE THAT CIGARETTE TAX RETURNS REPORT INFORMATION SHOWING, BY MANUFACTURER AND BRAND STYLE, THE NUMBER OF CIGARETTES FOR WHICH THE SUPPLEMENTAL TAX HAS BEEN PAID; AND DECLARING AN EMERGENCY.

**H 101, H 102, H 103, H 104, H 105, H 106, H 107, and H 108** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

**H 27, H 28, H 29, and H 31**, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

**H 11** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Collins to open debate.

The question being, "Shall **H 11** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney,

Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 70.

Whereupon the Speaker declared **H 11** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 14** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Raybould to open debate.

The question being, "Shall **H 14** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 70.

Whereupon the Speaker declared **H 14** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 25** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood to open debate.

The question being, "Shall **H 25** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 70.

Whereupon the Speaker declared **H 25** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 21** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall **H 21** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 70.

Whereupon the Speaker declared **H 21** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

### **Adjournment**

Mr. Denney moved that the House adjourn until 8 a.m., Friday, February 4, 2005. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:35 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk